

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>KUMON NORTH AMERICA, INC.</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>STEPS TO SUCCESS, INC. and</b>	)	<b>No. 07 C 7254</b>
<b>PALI SHAH,</b>	)	
	)	<b>Judge Norgle</b>
	)	<b>Magistrate Judge Schenkier</b>
<b>DEFENDANTS.</b>	)	

**PLAINTIFF KUMON NORTH AMERICA, INC.'S FIRST SUPPLEMENTAL SET OF  
INTERROGATORIES TO DEFENDANTS**

Plaintiff Kumon North America, Inc. (“Kumon” or “Plaintiff”), by its attorneys, and pursuant to Fed. R. Civ. P. 33, propounds the following First Supplemental Set of Interrogatories to Defendants Steps to Success, Inc. and Pali Shah (“Defendants”), to be answered in writing and under oath by April 14, 2008.

**DEFINITIONS AND INSTRUCTIONS**

A. “You,” “Your,” or “Defendants” shall mean Defendants Pali Shah and Steps to Success, Inc., its shareholders, members, officers, representatives, employees, and agents.

B. “Kumon” or “Plaintiff” shall mean Plaintiff, Kumon North America, Inc., and any of its shareholders, members, officers, representatives, employees, and agents.

C. As used herein, the words “and” as well as “or” should be construed either disjunctively or conjunctively, as necessary, to bring within the scope of these requests information that might otherwise be construed as being outside their scope.

D. "Person," whether in the singular or plural, means and includes, without limitation, natural persons, groups of natural persons acting as individuals, corporations, firms, partnerships, associations, joint ventures, and any other incorporated or unincorporated business or social entity.

E. As used herein, "identify," with respect to a "person," means to provide, where known, the person's full name and current and last known address, current or previous phone numbers, current and last known place of employment, date of birth, social security number and any other information pertinent to the location, whereabouts or residence of the person identified. Where a person's whereabouts are unknown but respondent is aware of persons who may know of the whereabouts, such persons should be identified.

G. The word "document(s)" is used in its customary broad sense and includes all written, typed, printed, recorded or graphic statements, communications or other matter, however, produced or reproduced, and whether or not now in existence, in your possession, custody or control, including without limitation:

all writings; studies; analyses; tabulations; reports; reviews; agreements; contracts; communications, including intracompany communications, letters or other correspondence; messages; telegrams; telexes; cables; e-mail messages; memoranda; records; notes; reports; summaries; forms; sound recordings or transcripts of personal or telephone conversations; meetings; conferences or interviews; telephone toll records; diaries; desk calendars; appointment books; forecasts; accountants' work papers; drawings; graphs; charts; maps; diagrams; blueprints; tables; indices; pictures; photographs; films; phonograph records; tapes; microfilm; microfiche; charges; ledgers; accounts; cost sheets; financial statements or reports; statistical or analytical records; minutes or records of board of directors, committee or other meetings or conferences; reports or summaries of investigations; opinions or reports or summaries of investigations; opinions or reports of consultants; appraisals; reports or summaries of negotiations; books; brochures; pamphlets; circulars; trade letters; press releases; newspaper and magazine clippings; stenographic, handwritten or any other notes; notebooks; projections; working papers;

checks, front and back; check stubs or receipts; invoice vouchers; tape data sheets or data processing cards and discs or any other written, recorded, transcribed, punched, taped, filed or graphic matter, however produced or reproduced; and any other document, writing or other data compilation of whatever description, including but not limited to any information contained in any computer although not yet printed out or the memory units containing such data from which information can be obtained or translated into reasonable usable form, and all drafts and non-identical copies of the foregoing.

H. Each Interrogatory or Document Request and subparagraph or subdivision thereof is to be separately answered. If there are no documents responsive to a particular Document Request, so indicate.

I. With respect to any document or any information withheld on account of privilege by Defendants, provide the following information:

- (a) identify the document, photograph, recording or other item or information for which privilege is claimed;
- (b) identify the type of privilege asserted and grounds therefor;
- (c) name of person(s), position of employment and officer or director status of person(s) giving statement or creating document or item identified in subparagraph (a);
- (d) name of all person(s), position of employment and officer or director status of person(s) receiving, reviewed, taking or otherwise having access to said statement or other material identified in subparagraph (a);
- (e) date of generation of statement or other material identified in subparagraph (a);
- (f) the name, position of employment, and officer or director status of all person(s) reviewing or otherwise having access to said statement at any time;
- (g) purpose for which the statement or other material identified in subparagraph (a) was taken or provided; and
- (h) identify by name, position of employment and officer or director status of all person(s) having possession of said statement at any time.

J. In accordance with the applicable rules of procedure, these requests are continuing in nature and Defendants are requested to supply by way of supplementary responses any additional information encompassed within these requests as may hereinafter be obtained by Defendants or any person on Defendants' behalf which will augment or modify any information now proffered pursuant to these requests, such supplementary responses to be served upon Kumon's counsel promptly upon its discovery and through the time of trial.

K. If Defendants are not in possession of documents or information responsive to a particular request or interrogatory but is aware of the existence of documents or information responsive to the request or interrogatory which are or may be in the possession of some person or entity other than Defendants, Defendants shall identify such person or entity by providing a full name, address, telephone number, and shall describe the documents or information to the extent possible and the actual or suspected location of said documents or information.

L. The phrases and terms "evidence," "refer," "relate," "on the subject of," "relating to," or "reflecting" shall mean, without limitation, constituting or evidencing and directly or indirectly concerning, regarding, mentioning, discussing, commenting upon, referring to, pertaining to, being connected with or reflecting upon the stated subject matter.

M. "All documents" means every document as above defined known to You and every such document in Your possession or control or which can be located or discovered by reasonably diligent efforts. The terms "possession" or "control" includes actual possession by You, actual possession by You with another, or constructive possession by You in that You are legally entitled or able to obtain actual possession from Your agents, clients, attorneys,

accountants, employees, contractors, banks, suppliers, representatives and business entities owned or controlled by You or in which You have an interest.

**INTERROGATORIES**

1. Identify the person shown in Exhibit A, which are photographs taken at the Kumon Math & Reading Center of Hoffman Estates.
2. Identify the documents and the present location of the documents shown in Exhibit B, which is a photograph at the Kumon Math & Reading Center of Hoffman Estates.
3. Identify all managers, employees, instructors, assistants, students or other individuals present at the Kumon Math & Reading Center in Hoffman Estates, Illinois on October 4, 2007 from 6:00 p.m. until 8:00 p.m.

Dated: April 8, 2008

**KUMON NORTH AMERICA, INC.**

s/ Danielle M. Kays

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Plaintiff's First Set of Interrogatories to Defendants was electronically served on all counsel of record today, April 8, 2008.

Dated: April 8, 2008

*s/Danielle M. Kays*

Danielle M. Kays